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from: The Delegation of Hungary  
to: Delegations  
Subject: Initiative of the Kingdom of Belgium, the Republic of Bulgaria, the Republic of Estonia, the Kingdom of Spain, the Republic of Austria, the Republic of Slovenia and the Kingdom of Sweden for a Directive of the European Parliament and of the Council regarding the European Investigation Order in criminal matters  
- Follow-up document of the meeting on 28 September 2010

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Proposal of the Delegation of Hungary

*Article 6*

*Transmission of the EIO*

1. The EIO shall be transmitted (...) by the issuing authority to the executing authority by any means capable of producing a written record under conditions allowing the executing State to establish authenticity. ...

*Article 8*

*Recognition and execution*

1 The executing authority shall recognise an EIO, completed in accordance with Article 5 and transmitted in accordance with Article 6, without any further formality being required, and ensure its execution in the same way and under the same modalities as if the investigative measure in question had been ordered by an authority of the executing State, unless that authority decides to invoke one of the grounds for non-recognition or non-execution provided for in Article 10 or one of the grounds for postponement provided for in Article 14.

or

1 The executing authority shall recognise an EIO, completed and transmitted in accordance with Article 5 and ... Article 6, without any further formality being required, and ensure its execution in the same way and under the same modalities as if the investigative measure in question had been ordered by an authority of the executing State, unless that authority decides to invoke one of the grounds for non-recognition or non-execution provided for in Article 10 or one of the grounds for postponement provided for in Article 14.

Explanation:

It is important that the EIO form shall be completed, signed, certified and translated as it is provided in Article 5. We consider that in Article 8 where we refer to the way of transmission of the EIO (Article 6) we should refer to the necessary formalities of the EIO as well. Therefore it seems to be the right place to indicate that the EIO can be recognised when it was duly completed and transmitted in the adequate way.

Article 6 – as it is clear from the title of this Article – provides for *the modalities of the transmission* of the EIO. It would be confusing if we refer here to the formal requirements of the EIO form. Therefore it would be more logical and comprehensive to include the reference to Article 5 in Article 8 para (1).

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